

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 26, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., and C. Hon, Deputy Clerk.

Each of the following:

B120611 MML, Inc. v. Executive Sounding Board

B123046 DMD Industrial Assoc. v. MML, Inc.

B124268 People v. Macciocchi

B126984 In re Eusebio Banuelos on Habeas Corpus

Argument waived, cause submitted.

B120271 Hearn, as Creditor, etc.
 v.
 Rosen et al.

Merits:

Argued by Mark P. Robinson for appellant and by John B. Quinn for respondents. Cause submitted.

B111195 Levy
 v.
 American Honda Motor Company, Inc.

Merits:

Argued by Patricia M. Coleman for appellant and by Bret A. Shefter for respondent. Cause submitted.

DIVISION ONE (Continued)

B124198 Indravudh et al.
 v.
 Mid-Century Insurance Co.

Merits:
Argued by Robert C. Burlison, Jr. for appellants and by Elizabeth S. Anthony for respondent. Cause submitted.

B122571 Honea
 v.
 Bank of America

Merits:
Argued by James L. Kellner for appellant and by Deborah S. Gershon for respondent. Cause submitted.

Justice Vogel leaves the bench.

B122915 Smillie
 v.
 O'Flaherty and Belgum et al.

Merits:
Argued by Deborah A. Smillie appellant in pro per and by Joan M. Dolinsky for respondents. Cause submitted.

Justice Vogel returns to the bench.

B125786 Tahoe Beach & Ski Club Homeowner's Assoc.
 v.
 Franchise Tax Board

Merits:
Argued by Gary G. Kuist for respondent and by Thomas G. Heller, deputy attorney general, for appellant. Cause submitted.

DIVISION ONE (Continued)

B118970 Safari
 v.
 Rolfe et al.

Merits:

Argued by Victor J. Daniels for appellant and by Scott C. Pape for respondents. Cause submitted.

Justice Ortega leaves the bench.

B121377 Brown
 v.
 County of Los Angeles et al.

Merits:

Argued by Mitchel J. Ezer for respondent and by Derrick M. Au, deputy county counsel, for appellants. Cause submitted.

B125725 County of Los Angeles
 v.
 Issaian

Merits:

Argued by Nancy K. Ruffolo, deputy district attorney, for respondent and by Victor J. Daniels for appellant. Cause submitted.

B125970 Don Koppel Construction, Inc.
 v.
 Binder

Merits:

Argued by Kenneth P. Roberts for appellant and by Delores A. Yarnall for respondent. Cause submitted.

Justice Ortega returns to the bench.

DIVISION ONE (Continued)

B099893 Ford et al.
B100994 v.
Applied Laser Systems, Inc., et al.

Merits:

Argued by Richard V. McMillan for appellants (Ford et al.) and by John A. Taylor, Jr., for appellants (Applied Laser et al.) and no appearance for respondent cross-appellant (Cohn). Cause submitted.

B128379 Keenan
v.
Superior Court Of Los Angeles
(Sinatra Jr., r.p.i.)

Merits:

Argued by Stephen F. Rohde for petitioner and by Richard B. Specter for real party in interest. Cause submitted.

B124719 Onesta Corporation
v.
Gary Drilling Company

Merits:

Argued by Robert Harrison for appellant and by Grover H. Waldon for respondent. Cause submitted.

Justice Masterson leaves the bench.

B117961 Re-Open Rambla, Inc., et al.
v.
Board of Supervisors et al.

Merits:

Argued by Samuel H. Weiss for appellants and by Steven H. Kaufmann for respondent City of Malibu and by Mark S. Gottlieb for respondent County of Los Angeles. Cause submitted.

Court adjourned.

May 26, 1999-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B121297 People (Not for Publication)
v.
Medina

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment reflecting an award of 296 days of actual custody and 148 days of conduct credit, for a total precommitment award of 444 days.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B115443 City of Bell Gardens (Not for Publication)
v.
City of Bell et al.

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

May 26, 1999-Continued

DIVISION ONE (Continued)

B122718 Miller (Not for Publication)
v.
World Savings & Loan Association

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B122656 People (Not for Publication)
v.
Lobos

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B122754 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION ONE (Continued)

B123187 People (Not for Publication)
v.
Tweedy

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

B124246 People (Not for Publication)
v.
Herron

The personal weapon use enhancement is stricken. The judgment is modified accordingly and affirmed as modified. The clerk of the court is directed to prepare an amended abstract of judgment eliminating the one-year personal weapon use enhancement and to forward a copy of the amended abstract of the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B125086 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Cynthia E.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B122758 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Lauro R.

The orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

B120940 People (Not for Publication)
 v.
 Rodell

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Masterson, J.

B122024 People (Not for Publication)
 v.
 Cortez

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Masterson, J.

May 26, 1999-Continued

DIVISION ONE (Continued)

B126823 People v. Valles (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B130266 Carlos A. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for extraordinary writ is granted. The juvenile court's findings made pursuant to the section 366.22 hearing are reversed, and the case is remanded with directions to hold a contested hearing.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

DIVISION TWO

B113486 People (Not for Publication)
v.
Diaz

The Court:

The judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

DIVISION ONE (Continued)

[illegible]

The Court:

The judgment is modified to reflect a \$200 fine pursuant to Penal Code section 1202.45, said fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect this fine and the \$200 fine imposed pursuant to Penal Code section 1202.4, subdivision (b). In all other respects, the judgment is affirmed.

Boren, P.J., Zebrowski, J., Mallano, J. (Assigned)

B120587 People (Not for Publication)
v.
Moore

The Court:

The judgment is reversed. The trial court is directed to conduct an in camera hearing on appellant's discovery motion consistent with this opinion. If the in camera hearing reveals no discoverable information which would lead to admissible evidence helpful to appellant's defense, the trial court shall reinstate the original judgment. If the in camera hearing reveals discoverable information which could lead to admissible evidence helpful to appellant in defense of the charges, the trial court shall grant the requested discovery and order a new trial.

Boren, P.J., Nott, J., Zebrowski, J.

B116265 People (Not for Publication)
v.
Ruiz

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B122792 Whittington
v.
Mirage Car Wash

Filed order modifying opinion. (Change in judgment)

DIVISION THREE

B116626 People (Not for Publication)
v.
Angeles

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

[illegible]

For the foregoing reasons, the judgment is modified to stay execution of the sentence imposed for petty theft (count 1), such stay to become permanent upon completion of the sentence imposed for burglary (count 2). The judgment is further modified to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45. As modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accord with these modifications.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION SIX

B123251 People (Not for Publication)
v.
Vann

The order under review is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
Coffee, J.

B124085 People (Not for Publication)
v.
Jose Luis R.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

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We reverse the superior court's order granting Lomack's suppression motion, reinstate the October 5, 1998 Information filed against her, and remand the case to the trial court so that it can reconsider Lomack's suppression motion in light of the *Reyes* decision. In addition, the trial court may consider any additional theories or evidence tendered by Lomack.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B113990 People (Not for Publication)
v.
Garcia and Hernandez

The judgments are affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B123360 Maya (Not for Publication)
v.
Maya
In Re Marriage of Maya

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Matz, J. (Assigned)